

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

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|-------------------------------------|---|----------------------|
| MAERSK OIL TRADING INC. |) | CASE NO: 5:23CV951 |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | JUDGE: John R. Adams |
| |) | |
| B&G FUTURES INC., et al, |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFF’S UNOPPOSED MOTION TO EXCUSE REPRESENTATIVE’S PHYSICAL
APPEARANCE AT THE CASE MANAGEMENT CONFERENCE**

NOW COMES Plaintiff, MAERSK OIL TRADING INC. (“**MOT**”), by and through undersigned counsel, hereby requesting that the Court excuse the physical appearance of Plaintiff’s corporate representative at the case management conference currently scheduled for November 30, 2023, at 2:30 p.m. in Courtroom #575, U.S. Courthouse, 2 South Main Street, Akron.

As grounds for this Motion, Plaintiff respectfully submits that all its corporate representatives with settlement authority are either located outside the state (i.e., New York) or outside the country (Copenhagen, Denmark). To date, and as more fully described below, the third and final co-defendant, Chirag Vyas, has been evading service. As such, counsel for both Plaintiff and Defendant DiPietro believe that any significant proceeding on the merits, creation of a discovery schedule, or settlement discussions should be held in abeyance until such time as Mr. Vyas is served.

As the Court is aware, the parties met pursuant to this Court’s scheduling order (*Dkt. 18*) on October 10, 2023, and attached a Planning Meeting Report to their joint motion to continue the originally scheduled case management conference (*Dkt. 19*) as ***Exhibit 1***. Despite good-faith

efforts from Plaintiff, Defendant Vyas remains unserved. Plaintiff has gone to great lengths to find him and, through its private investigator, believes that this most recent address it is attempting service at in Southgate, Michigan, is the correct one. On November 21, the Clerk filed its return of service unexecuted (*Dkt. 21*), which triggered the undersigned's ability to try and serve Mr. Vyas via ordinary mail. *See L.R. 4.2*. The undersigned will be requesting ordinary mail service through the Clerk's Office this week in hopes of finally obtaining good service on Mr. Vyas so that this matter may proceed.

The undersigned intends to be physically present for the case management conference and will ensure that at least one corporate representative is available by telephone or other remote means at all pertinent times.

Finally, the undersigned discussed this motion with counsel for Defendant DiPietro over the telephone prior to its filing, and he indicated he had no objection to Plaintiff's corporate representative not attending in person.

WHEREFORE, Plaintiff requests that the Court excuse Plaintiff's corporate representative from being required to be physically present at the November 30, 2023 case management conference.

Respectfully submitted,

MAERSK OIL TRADING INC., Plaintiff,

s/ Zachary Barger
Its attorney

Zachary J. Barger
Zeiler Floyd Zadkovich (US) LLP
53 West Jackson Boulevard
Suite 1240
Chicago, Illinois 60604
Tel.: (567) 208-9890
Email: zach.barger@zeilerfloyd Zadkovich.com